

**REMARKS****Status of Claims**

Claims 1, 3-10, 12-18, 20-27 and 29-34 are pending, of which claims 1, 10, 18 and 27 are independent.

Claims 1, 3-10, 12-18, 20-27 and 29-34 have been amended to correct informalities in the claim language and to more clearly define the claimed subject matter. Support may be found, for example, at page 1, line 20-22 or page 10, line 9 – page 11, line 2 of the specification. No new matter has been added. Claims 2, 11, 19 and 28 have been cancelled without prejudice.

**Rejection under 35 U.S.C. § 103(a)**

Claims 1-6 and 18-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura (USP 5,461,457) in view of Sugawara (USP 4,233,663). Claims 7-9 and 24-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura in view of Sugawara, and in further view of Takemoto (USP 6,211,973). Claims 10-14 and 27-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sugawara in view of Nakamura. Claims 15-17 and 32-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sugawara in view of Nakamura and in further view of Takemoto. Applicant respectfully traverses these rejections for at least the following reasons.

Regarding independent claims 1 and 18, the Examiner asserts, referring to Fig. 15, col.1, lines 56-62, col. 7, lines 7-16 and col. 17, lines 3-18 of Nakamura, that Nakamura discloses a print quality measuring method (or apparatus) for comparing an image of reference paper and an image of an actual print to create control data for controlling ink feeding rates of a printing machine. Specifically, the Examiner states that controlling the ink exposure amount in

Nakamura corresponds to controlling the ink feeding rates for a printing machine. Applicant respectfully disagrees.

First, Applicant submits that Nakamura fails to disclose comparing an image of reference paper and a printed image of a print corresponding to the image of the reference paper, as recited by amended claims 1 or 18. Nakamura does not use **a printed image** to determine an amount of exposure. What is used for determining the amount of exposure is an image on the CCD image sensor created by irradiating the color negative film by a light source (see, Fig. 1 and col. 7, lines 34-66 of Nakamura). There is no step for comparing an image of reference paper and a printed image of a print in Nakamura. In contrast to Nakamura, in the present application, an image of reference paper and a printed image of a print are compared to control the ink feeding rates. In this regard, the Examiner's attention is directed to, for example, page 10, line 9 – page 11, line 2 of the specification.

Second, Nakamura does not control the ink exposure amount as the Examiner asserts. What is controlled in Nakamura is an amount of exposure, i.e. the amount of light irradiation (see, Fig.1, and col. 6, line 62 – col. 7, line 20, col. 7, lines 34-66 of Nakamura). Nakamura uses photographic printing paper 24 for printing images, but never discloses the use of ink. In contrast to Nakamura, in the present invention, the method of claim 1 or the apparatus of claim 18 uses ink and creates control data for controlling the ink feeding rates of the printing machine.

Third, Applicant submits that Nakamura fails to disclose that the representative color and the positions thereof are determined for respective rectangular sections on a printing paper corresponding to ink keys in each ink well of the printing machine, as recited by amended claims 1 or 18. As discussed above, since Nakamura fails to disclose the use of ink, Nakamura does not teach or even suggest determining respective rectangular sections on a printing paper

corresponding to ink keys in each ink well of the printing machine.

As such, it is clear that, at a minimum, Nakamura fails to disclose the above recited limitations of amended claims 1 and 18. In addition, neither Sugawara nor Takemoto cures the deficiencies of Nakamura. For instance, neither Sugawara nor Takemoto teaches or even suggests that comparing an image of reference paper and a printed image of a print corresponding to the image of the reference paper, as recited by amended claims 1 or 18. Although Sugawara appears to use a test chart 8, there are no steps or means for comparing an image of reference paper and a printed image of a print. In Sugawara, the data stored in the test chart 8 is directly used to adjust the circuit 9 without comparing (see, col. 2, lines 32-47 of Sugawara). Further, Takemoto is totally silent about comparing an image of reference paper and a printed image of a print.

In order to establish *prima facie* obviousness under 35 U.S.C. § 103(a), all the claim limitations must be taught or suggested. At a minimum, the cited prior art does not disclose expressly or inherently the above recited limitations. Therefore, Applicant respectfully requests that rejection of claims 1 and 18 be withdrawn. In addition, since Claims 3-9, 20-26 are dependent claims upon either claim 1 or claim 18, it is submitted that these claims are also allowable for at least the same reasons as claims 1 and 18. *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987) (A dependent claim is non-obvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims).

Regarding independent claims 10 and 27, the Examiner asserts that Sugawara discloses a print quality measuring method for comparing image data obtained by reading an image of an actual print with one of platemaking data used at platemaking time and image data created from

the platemaking data, to create control data for controlling ink feeding rates of a printing machine.

Applicant respectfully disagrees.

As discussed above, Sugawara fails to disclose comparing an image obtained by reading **an image of a print** printed by one of platemaking data and image data with the platemaking data or the image data, as recited by amended claims 10 or 27. Sugawara does not use a print printed by one of platemaking data and image data. In Sugawara, the data stored in the test chart 8 is directly used to adjust the circuit 9 (see, col. 2, lines 32-47 of Sugawara), but there is no steps or measures for comparing an image obtained by reading an image of a print printed by one of platemaking data and image data with the platemaking data or the image data. In addition, Sugawara fails to disclose the use of the platemaking data.

Further, neither Nakamura nor Takemoto cures the deficiencies of Sugawara. As discussed above, neither of them teaches or even suggests comparing an image obtained by reading an image of a print printed by one of platemaking data and image data with the platemaking data or the image data, as recited by amended claims 10 or 27.

In order to establish *prima facie* obviousness under 35 U.S.C. § 103(a), all the claim limitations must be taught or suggested. At a minimum, the cited prior art does not disclose expressly or inherently the above recited limitations. Therefore, Applicant respectfully requests that rejection of claims 10 and 27 be withdrawn. In addition, since Claims 12-17, 29-34 are dependent claims upon either claim 10 or claim 27, it is submitted that these claims are also allowable for at least the same reasons as claims 10 and 27. *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987) (A dependent claim is non-obvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims).

**CONCLUSION**

Having fully responded to all matters raised in the Office Action, Applicant submits that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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